

PB# 97-44

FLANNERY ANIMAL HOSPITAL

4-1-11.2

97 - 44 Flannery Animal Hospital
Rt. 300 (Shaw)

Approved 5/20/98

DATE December 4, 1997 RECEIPT 97-44 N U M B E R
 RECEIVED FROM Flannery Animal Hospital, P.C.
 Address 1208 Rt 300 - Newburgh, N.Y. 12550
Seven Hundred Fifty 00/100 DOLLARS \$750.00
 FOR Site Plan Escrow

ACCOUNT		HOW PAID	
BEGINNING BALANCE	750 00	CASH	
AMOUNT PAID	750 00	CHECK	#7582
BALANCE DUE	-0-	MONEY ORDER	

BY J. Jappolo
Thyra Mason, Secretary

DATE December 5, 1997 RECEIPT 340840
 RECEIVED FROM Flannery Animal Hospital
 Address _____
 DOLLARS \$100.00
 FOR Planning Board Site Plan Application
#97-44 CP# 0007584

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID	#	CHECK	100 00
BALANCE DUE		MONEY ORDER	

BY Dorothy H. Hansen

DATE December 5, 1997 RECEIPT 340841
 RECEIVED FROM Flannery Animal Hospital
 Address _____
 DOLLARS \$100.00
 FOR Planning Board Spec. Perm. Fee
CP# 0007583

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID		CHECK	100 00
BALANCE DUE		MONEY ORDER	

BY Dorothy H. Hansen

DATE April 27, 1998 RECEIPT 97-44 N U M B E R

BALANCE	750 00	CASH	
AMOUNT PAID	750 00	CHECK	#7582
BALANCE DUE	-0-	MONEY ORDER	

P. Zappo
BY *Thyra Mason, Secretary*

DATE December 5, 1997 RECEIPT 340840
 RECEIVED FROM Flannery Animal Hospital
 Address _____
 DOLLARS \$ 100.00
 FOR Planning Board Site Plan Application
#97-44 CK #0007584
 ACCOUNT HOW PAID
 BEGINNING BALANCE CASH
 AMOUNT PAID # CHECK 100 00
 BALANCE DUE MONEY ORDER

BY *Dorothy H. Hansen*

DATE December 5, 1997 RECEIPT 340841
 RECEIVED FROM Flannery Animal Hospital
 Address _____
 DOLLARS \$ 100.00
 FOR Planning Board Spec. Perm. Fee
CK #0007583
 ACCOUNT HOW PAID
 BEGINNING BALANCE CASH
 AMOUNT PAID CHECK 100 00
 BALANCE DUE MONEY ORDER

BY *Dorothy H. Hansen*

DATE April 27, 1998 RECEIPT 97-44 N U M B E R
 RECEIVED FROM Flannery Animal Hospital
 Address 1208 Route 300 - Newburgh, N.Y. 12553
One Hundred Thirty 00/100 DOLLARS \$ 130.00
 FOR 2% of \$6510.00 Inspection fee
 ACCOUNT HOW PAID
 BEGINNING BALANCE 130 00 CASH
 AMOUNT PAID 130 00 CHECK #0008058
 BALANCE DUE - MONEY ORDER

BY *Thi*

DATE May 12, 1998 RECEIPT 297717
 RECEIVED FROM Flannery Animal Hosp.
 Address _____
One Hundred 00/100 DOLLARS \$ 100.00
 FOR P.B. #97-44
 ACCOUNT HOW PAID
 BEGINNING BALANCE CASH CK # 8135
 AMOUNT PAID CHECK 100 00
 BALANCE DUE MONEY ORDER

Town Clerk
BY *Dorothy H. Hansen*

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/20/98

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 97-44

NAME: FLANNERY ANIMAL HOSPITAL, P.C. - NEW FACILITY
APPLICANT: FUCCIO, FRANK & KRYGER, MICHAEL DVM

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
05/20/98	PLANS STAMPED	APPROVED
03/25/98	P.B. APPEARANCE . NEED BOND ESTIMATE	LA:ND WVE PH APPR
03/23/98	RECEIVED VARIANCES	RET. TO P.B.
03/18/98	WORK SESSION APPEARANCE	NEXT AGENDA
12/10/97	P.B. APPEARANCE	REFER TO Z.B.A.
12/03/97	WORK SESSION APPEARANCE	SUBMIT

Flannery Animal Hospital, P.C.
1208 Route 300
Newburgh, New York 12550
914-564-6760
fax 914-564-0012

Michael D. Kryger, D.V.M.
Frank A. Puccio, D.V.M.
Jay W. Stonefield, D.V.M.

David P. Stillman, D.V.M.
Eric R. Evans, D.V.M.
Holly A. Daly, D.V.M.
Rebecca J. Sigrich, D.V.M.

May 7, 1998

Chairman James Petro and
Members of the Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Re: New Facility for Flannery Animal Hospital, P.C.
Temple Hill Road

Gentlemen:

Please consider this correspondence our commitment to participate in New Windsor's program to improve the Temple Hill Road corridor with street trees. It is our understanding that you wish the trees to be installed on our property along Temple Hill Road and continue on Little Britain Road to our entrance drive. It is also our understanding that the trees should be spaced at 75 feet on center, and the species should be either oak, maple, or elm, 5 feet to 6 feet high. We estimate that in order to satisfy the above spacing requirement, 10 street trees will have to be installed.

If our understanding of the Town requirements are incorrect, please contact us at your earliest convenience.

Very truly yours,

Michael D. Kryger

Michael D. Kryger

5/12/98
OK -
PAC

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/24/98

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 97-44

NAME: FLANNERY ANIMAL HOSPITAL, P.C. - NEW FACILITY
APPLICANT: FUCCIO, FRANK & KRYGER, MICHAEL DVM

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	03/23/98	MUNICIPAL HIGHWAY	/ /	
REV1	03/23/98	MUNICIPAL WATER	/ /	
REV1	03/23/98	MUNICIPAL SEWER	/ /	
REV1	03/23/98	MUNICIPAL FIRE	03/25/98	APPROVED
ORIG	12/05/97	MUNICIPAL HIGHWAY	12/05/97	APPROVED
ORIG	12/05/97	MUNICIPAL WATER	12/10/97	APPROVED
ORIG	12/05/97	MUNICIPAL SEWER	03/23/98	SUPERSEDED BY REV1
ORIG	12/05/97	MUNICIPAL FIRE	12/05/97	APPROVED

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/12/98

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 97-44

NAME: FLANNERY ANIMAL HOSPITAL, P.C. - NEW FACILITY
APPLICANT: FUCCIO, FRANK & KRYGER, MICHAEL DVM

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/04/97	REC. CK. #7582	PAID		750.00	
12/10/97	P.B. ATTY. FEE	CHG	35.00		
12/10/97	P.B. MINUTES	CHG	27.00		
03/25/98	P.B. ATTY. FEE	CHG	35.00		
03/25/98	P.B. MINUTES	CHG	40.50		
04/03/98	P.B. ENGINEER FEE	CHG	478.00		
05/12/98	RET. TO APPLICANT	CHG	134.50		
		TOTAL:	750.00	750.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/12/98

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 97-44

NAME: FLANNERY ANIMAL HOSPITAL, P.C. - NEW FACILITY
APPLICANT: FUCCIO, FRANK & KRYGER, MICHAEL DVM

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/27/98	2% OF 6510.00 RECD. CH#0008	PAID		130.00	
04/27/98	INSPECTION FEE	CHG	130.00		
		TOTAL:	130.00	130.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/12/98

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPLICATION

FOR PROJECT NUMBER: 97-44

NAME: FLANNERY ANIMAL HOSPITAL, P.C. - NEW FACILITY
APPLICANT: FUCCIO, FRANK & KRYGER, MICHAEL DVM

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/04/97	SPEC. PERMIT APPLIC FEE	CHG	100.00		
12/04/97	REC. CK. #7583	PAID		100.00	
12/04/97	SITE PLAN APPLIC. FEE	CHG	100.00		
12/04/97	REC CK. #7584	PAID		100.00	
		TOTAL:	200.00	200.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/12/98

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 97-44

NAME: FLANNERY ANIMAL HOSPITAL, P.C. - NEW FACILITY

APPLICANT: FUCCIO, FRANK & KRYGER, MICHAEL DVM

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/11/98	SITE PLAN APPROVAL FEE	CHG	100.00		
05/11/98	REC. CK. #0008135	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

AS OF: 05/01/98

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 97-44

FOR WORK DONE PRIOR TO: 05/01/98

										-----DOLLARS-----			
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE		
97-44	139995	11/30/97			BILL 97-1147 12/15/97					-141.50			
										-141.50			
97-44	139299	12/03/97	TIME	MJE	WS FLANNERY ANIMAL	75.00	0.50	37.50					
97-44	139291	12/04/97	TIME	MJE	PM FLANNERY MTG	75.00	0.40	30.00					
97-44	139083	12/10/97	TIME	MJE	MM FLANNERY DISAPP ZBA	75.00	0.10	7.50					
97-44	139409	12/10/97	TIME	MCK	CL FLANNERY RVW COMM	28.00	0.50	14.00					
97-44	139615	12/10/97	TIME	MJE	MC FLANNERY W/LOEB	75.00	0.30	22.50					
97-44	139622	12/10/97	TIME	MJE	MC FLANNERY S/P	75.00	0.40	30.00					
97-44	143276	01/19/98	TIME	MJE	MC FLANNERY W/LOEB	75.00	0.30	22.50					
97-44	143279	01/19/98	TIME	MJE	MC FLANNERY ZBA REFERRA	75.00	0.50	37.50					
97-44	143288	01/20/98	TIME	MJE	MC FLANNERY ZBA REFERRR	75.00	0.50	37.50					
97-44	143299	01/21/98	TIME	MJE	MC FLANNERY ZBA REFERRA	75.00	0.30	22.50					
97-44	143324	01/22/98	TIME	MJE	MC FLANNERY Qs	75.00	0.50	37.50					
									299.00				
97-44	144973	01/31/98			BILL 98-231 2/13/98					-157.50			
										-157.50			
97-44	148620	03/18/98	TIME	MJE	WS FLANNERY S/P	75.00	0.40	30.00					
97-44	148612	03/19/98	TIME	MJE	MC FLANNERY W/ATTY	75.00	0.30	22.50					
97-44	148365	03/25/98	TIME	MCK	CL FLANNERY RVW COMMENT	28.00	0.50	14.00					
97-44	148386	03/25/98	TIME	MJE	MM FLANNERY APPROVED	75.00	0.10	7.50					
97-44	148968	03/25/98	TIME	MJE	MC FLANNERY S/P	75.00	0.50	37.50					
									111.50				
97-44	149208	03/31/98			BILL 98-449 4/8/98					-111.50			
										-111.50			
97-44	150548	04/07/98	TIME	MJE	MC FLANNERY BOND	75.00	0.40	30.00					
97-44	151189	05/01/98	TIME	MJE	MC Final reviews	75.00	0.50	37.50					
									67.50				
TASK TOTAL								478.00	0.00	-410.50	67.50		
GRAND TOTAL								478.00	0.00	-410.50	67.50		



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

Licensed in NEW YORK, NEW JERSEY
and PENNSYLVANIA

MEMORANDUM
1 May 1998

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
e-mail: mheny@att.net
- ☐ **Regional Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765
e-mail: mhepa@ptd.net



TO: MYRA MASON, P.B. SECRETARY

FROM: MARK J. EDSALL, P.E., P.B. ENGINEER

SUBJECT: FLANNERY ANIMAL HOSPITAL SITE PLAN
PLANNING BOARD APP 97-44

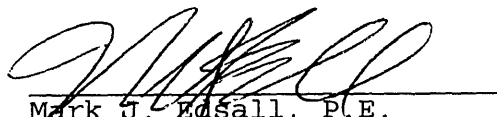
This will confirm that I have reviewed the cost estimate prepared by Shaw Engineering and the last plan on file. Both appear acceptable. Once the fees are all paid, I believe the plan can be stamped.

The improvement estimate is for \$6510; therefore the inspection fee would be \$130.

Our printout for review fees is attached.

Very truly yours,

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS, P.C.


Mark J. Edsall, P.E.
Planning Board Engineer

MJE/st
doc:flanny5.1

Flannery Animal Hospital, P.C.
1208 Route 300
Newburgh, New York 12550
914-564-6760
fax 914-564-0012

Michael D. Kryger, D.V.M.
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David P. Stillman, D.V.M.
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Rebecca J. Sigrich, D.V.M.

May 7, 1998

Chairman James Petro and
Members of the Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

Re: New Facility for Flannery Animal Hospital, P.C.
Temple Hill Road

Gentlemen:

Please consider this correspondence our commitment to participate in New Windsor's program to improve the Temple Hill Road corridor with street trees. It is our understanding that you wish the trees to be installed on our property along Temple Hill Road and continue on Little Britain Road to our entrance drive. It is also our understanding that the trees should be spaced at 75 feet on center, and the species should be either oak, maple, or elm, 5 feet to 6 feet high. We estimate that in order to satisfy the above spacing requirement, 10 street trees will have to be installed.

If our understanding of the Town requirements are incorrect, please contact us at your earliest convenience.

Very truly yours,

Michael D. Kryger

Michael D. Kryger

*5/12/98
OK -
PAC*

Shaw Engineering

Consulting Engineers

744 Broadway
P.O. Box 2569
Newburgh, New York 12550
[914] 561-3695

April 7, 1998

Chairman James Petro and
Members of the Planning Board
TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, New York 12553

Re: New Facility For Flannery Animal Hospital, P.C.
Temple Hill Road

Gentlemen:

We have presented below for your consideration our Construction Estimate for the site improvements for the new facility for Flannery Animal Hospital. Our estimate is as follows:

CONSTRUCTION ESTIMATE

<u>ITEM</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
Macadam Pavement	70 S.Y.	\$ 10	\$ 700
Pavement Markings	460 L.F.	\$.40	\$ 185
Concrete Curbing	175 L.F.	\$ 10	\$ 1,750
Handicap Sign/Striping	2	\$ 100	\$ 200
Concrete Sidewalk	105 S.Y.	\$ 35	\$ 3,675
Total			\$ 6,510

Should this Estimate be acceptable to your Board, my client will pay the 2% inspection fee of \$130.00.

Respectfully submitted,

SHAW ENGINEERING

Gregory J. Shaw, P.E.
Principal

GJS:mmv

cc: Frank A. Puccio, D.V.M. w/Enclosure

1255-1255-1255 3 1998

RESULTS OF T.B. MEETING OF :

March 25, 1998

PROJECT:

Flamingo Animal Hosp.

P.B.#

9744

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y__ N__

M) L N) S VOTE: A 5 N 0

2. TAKE LEAD AGENCY: Y 5 N 0

CARRIED: YES__ NO__

M) 5 S) A VOTE: A__ N__

CARRIED: YES ✓ NO__

WAIVE PUBLIC HEARING:

M) A S) 5 VOTE: A 5 N 0 WAIVED: Y ✓ N 0

SCHEDULE P.H. Y__ N__

SEND TO O.C. PLANNING: Y__

SEND TO DEPT. OF TRANSPORTATION: Y__

REFER TO Z.B.A.: M)__ S)__ VOTE: A__ N__

RETURN TO WORK SHOP: YES__ NO__

APPROVAL:

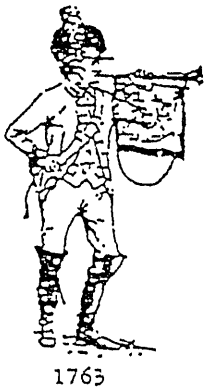
M) 5 S) A VOTE: A 5 N 0 APPROVED: 3/25/98

M)__ S)__ VOTE: A__ N__ APPROVED CONDITIONALLY: _____

NEED NEW PLANS: Y__ N__

DISCUSSION/APPROVAL CONDITIONS:

<u>Need Bond estimate</u>



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

RECEIVED

MAR 24 1998

N.W. HIGHWAY DEPT.

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 97 - 44

DATE PLAN RECEIVED: RECEIVED MAR 23 1998

The maps and plans for the Site Approval ✓
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ✓
disapproved _____.

If disapproved, please list reason _____

W. James Sullivan 3/25/98
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE

REGULAR ITEMS:

FLANNERY ANIMAL HOSPITAL SITE PLAN (97-44) ROUTE 300

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. SHAW: Good evening. As you wait for the plans to be passed out, in December of 1997, I came before this board for a rejection to the Zoning Board of Appeals for either an interpretation or variances to change the use of the property at the intersection of Little Britain Road and Temple Hill Road, formally known as J & H Smith Lighting Corporation property to an animal hospital. This board rejected the site plan application and we were off and running to the zoning board of appeals. We had a preliminary meeting with the zoning board, we had a public hearing with the zoning board and maybe your attorney can give me a little hand with this, but what the zoning board determined were that a use variance was not required with this property and that the variance that was granted by the zoning board in 1982, 1983 was still in effect, even though the use of the property was changing from light industrial to that which is permitted in a NC zone which your code defines as commercial dog veterinary kennel. Therefore, the bottom line with the zoning board is that we did not need any variances and that the use is permitted.

MR. PETRO: Basically, you got a finding that is what it was?

MR. LUCAS: Anybody show up for the public hearing?

MR. SHAW: No. So with that regular--

MR. KRIEGER: No, there was one person, there was one person who showed up because what Mr. Shaw says all of what he says is correct, to my recollection, there were certain conditions addressed by the Zoning Board of Appeals, one that the footprint of the building didn't change, except for the minor change with respect to the ingress egress, which he already discussed with this board and also that the since there would be outside

disposal of solid waste that that be removed daily. I recollect saying he lived right behind, it may have been after the meeting was closed.

MR. PETRO: It was resolved.

MR. BABCOCK: It was after you had left, they didn't realize that the public hearing was closed and we had moved on to the next item and when they stood up to speak for the next item they spoke on this one.

MR. SHAW: Then we're both correct.

MR. PETRO: What about the other curb cut that was going to be out on Temple Hill Road?

MR. SHAW: When we originally came about before this board we were proposing a curb cut which would take a new drive and bring it opposite Wembly Road. After we got had our initial meeting with the board in December, I went and saw Don Greene and he had a better idea what he said that his department would make Little Britain Road, allow right-hand turns at the light, I asked Don as late as last week to give me a letter to that effect and he was hoping to do one better, he was hoping by tonight that the DOT would have the sign removed. I rode by there this afternoon and it's still what the DOT plans on doing is allowing right-hand turns off Little Britain Road and they would take this present route off 207 and abandon it, probably close it off and more than likely sell it so that should be happening shortly. But in any case. We do have an existing curb cut off Little Britain Road, there will be no curb cut off of Temple Hill Road at all and I think from a public safety point of view that would be preferable.

MR. PETRO: That whole thing is resolved then?

MR. SHAW: Yes, with respect to the site improvement, they are really rather minimal, we're taking our small piece of pavement in this area and we're adding a piece of pavement which is shaded in from this particular area to generate a few more parking spaces, we're obligated to provide 34 spaces, we're providing 36 so the physical improvements to the site is the small

piece of pavement and we'll be installing a new 6 foot sidewalk along the front face of the building, new striping within the existing macadam parking lot and a new planter area, those are all the site improvements we're proposing, everything else will remain the same. There will be a new eight foot by 14 foot entrance which will face Little Britain Road, that will be the entry of the animal hospital, the entry which presently exists on Temple Hill Road will be for the offices, as you'll note on the plan, this building allows approximately 2,040 square feet for an office so that is all part of this use and I think you may have noticed a new legal firm has moved into that office there within the past month or two.

MR. LUCAS: My wife's in the office in front and do you know if their intentions, I know that their intention is just temporary thing, now there's no ramp or handicapped accessibility to the front of that building, is that incorporated in the new plan?

MR. SHAW: What we're incorporating is handicapped parking, a ramp up to the new sidewalk, that sidewalk will connect to the existing sidewalk in front of the offices so Mr. Chairman that is a brief overview and we're asking for site plan approval tonight, it's been a long journey and we feel that we have met all the obligations with the town.

MR. LANDER: We have got whether or not we need a public hearing.

MR. PETRO: We have a whole list, we're going to go through it. The drainage is not really being affected, he's only adding very little, you're talking about minimum amount of new drainage or new watershed to the site.

MR. SHAW: Probably a 100 200 feet, if you take into account the pavement that we're removing and adding, pavement that we're adding to the site may be a couple hundred.

MR. PETRO: Same would hold true with lighting, the lighting that is already existing and seems to be

sufficient so that certainly would not be a problem. We have fire approval on 3/25/98 and I think New Windsor Planning Board should assume position of lead agency.

MR. STENT: Make a motion we declare lead agency on Flannery.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under SEQRA process for the Flannery Animal Hospital site plan. If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: Now, as far as the public hearing goes, I think we as the applicant has stated we had one at the zoning board and there was one person who showed up after, I guess

MR. KRIEGER: Afterwards, so actually it was not at the hearing and one Johnny-come-lately.

MR. PETRO: Wasn't major outcry from the public?

MR. KRIEGER: No, it was explained to him that although he didn't express happiness at it, he didn't continue to express opposition either.

MR. LANDER: Let me ask a question exactly what did the letter that was sent out, what did that letter exactly say was going in Flannery's Animal Hospital or a variance was--

MR. BABCOCK: Variance letter.

MR. LANDER: You know the letters went out to the--

MR. PETRO: What was the use going to be?

MR. LANDER: Right.

MR. BABCOCK: It was for determination if it was a continuing use or if it needed a use variance.

MR. PETRO: To become an animal hospital?

MR. BABCOCK: Right.

MR. PETRO: Do you have a copy of the letter that went out for the public hearing for the Zoning Board?

MR. SHAW: No, I don't.

MR. LUCAS: Didn't it state that it wanted to be a veterinary hospital?

MR. SHAW: I really can't speak to that, that was done by the attorney, Mr. Loeb.

MR. LANDER: Cause I think a lot of people might misread that and I think that, well, I'm only one member, but I think we should have a public hearing on that, let the people know there's going to be an animal hospital, might be a little noise.

MR. ARGENIO: Notwithstanding that, how much of a residential impact is there going to be in this geographical area?

MR. SHAW: Mr. Chairman, maybe, and I have the two doctors, Dr. Puccio and Dr. Kryger with me tonight, if you have any direct questions, but maybe we should just take a minute, explore their operation, as you note on the plan, there are no outside improvements, there are no runs, it's a masonry building, all the animals will be kept inside the structure, I have been to their existing facility and probably 20 times over the past ten years you cannot hear any sounds of any animals, barking.

MR. LANDER: So what you're saying it's not a kennel?

MR. SHAW: It's really not, you ride by it, there's going to be no change.

MR. LANDER: No runs?

MR. SHAW: What you see today, you cannot hear the animals, you cannot smell the animals, I really don't think a public hearing is warranted.

MR. ARGENIO: No outdoor kennels.

MR. SHAW: None at all, there are not a lot of homes out there, Mr. Chairman, that is my exact point.

MR. LUCAS: Duggan and Crotty and Dunn across the street.

MR. PETRO: So let's make a motion and let the vote.

MR. LANDER: As long as there's no outside kennels.

MR. ARGENIO: I make a motion we waive it.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the Flannery Animal Hospital site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: We need a motion for SEQRA determination.

MR. LANDER: So moved.

MR. LUCAS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Flannery Animal Hospital site plan on Route 300. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE

MR. PETRO: Planning board should require that a bond estimate be submitted for site plan in accordance with paragraph A(1)(g) of Chapter 19, you're aware of that?

MR. SHAW: Yes.

MR. PETRO: It goes along with the approval.

MR. SHAW: Yes.

MR. KRIEGER: What I don't, maybe I'm missing it on the plan, is anything in there with respect to the storage of solid animal waste?

MR. SHAW: That will be indoors, there will be no red bag waste stored outside in the refuse area, that will remain indoors all times until it's picked up.

MR. KRIEGER: What will be stored outside? Will there be a dumpster?

MR. SHAW: Yes, there will be a dumpster and the loading area adjacent by the steps which is presently used as a refuse area now.

MR. KRIEGER: What will be in the dumpster, normal office stuff?

MR. SHAW: Yes.

MR. KRIEGER: That is it?

MR. SHAW: That is it.

MR. KRIEGER: No animal waste?

MR. SHAW: Let me doublecheck that. Off the record.

(Discussion was held off the record)

MR. SHAW: Mr. Chairman, in talking to the two doctors, what will be stored outside is normal office waste. In addition to that, there will be newspapers that which contain droppings of the animals inside and that gets picked up every other day and it will be in a covered dumpster.

MR. PETRO: I like that word droppings, very polite.

MR. ARGENIO: Mr. Shaw, as an aside, as it relates to Don Greene, did he tell you when they are going to close that spur of 207, is that going to be done in conjunction with what he has to do or is that at a later date?

MR. SHAW: I think it's at a later, I think it's a lot easier to remove the striping and pull a sign than physically decide what they are going to do with 207.

MR. ARGENIO: I would think.

MR. PETRO: Okay, gentlemen, any further questions?

MR. STENT: Make a motion we approve the Flannery Animal Hospital site plan on Temple Hill Road subject to bond required.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Flannery Animal Hospital site plan subject to the bond being in place when the site plans are signed. Is

March 25, 1998

26

there any further discussion from the board members?

ROLL CALL

MR. ARGENIO	AYE
MR. STENT	AYE
MR. LANDER	AYE
MR. LUCAS	AYE
MR. PETRO	AYE



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TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

REVIEW NAME: FLANNERY ANIMAL HOSPITAL SITE PLAN
PROJECT LOCATION: TEMPLE HILL ROAD (ROUTE 300) AND
LITTLE BRITAIN ROAD (ROUTE 207)
SECTION 4-BLOCK 1-LOT 11.2
PROJECT NUMBER: 97-44
DATE: 25 MARCH 1998
DESCRIPTION: THE APPLICATION PROPOSES A CHANGE IN USE FROM
THE EXISTING OLI USE TO AN ANIMAL HOSPITAL AND
OFFICE. THE PLAN WAS PREVIOUSLY REVIEWED AT THE
10 DECEMBER 1997 PLANNING BOARD MEETING.

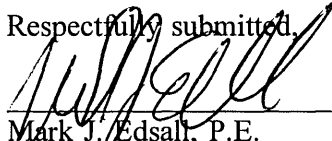
1. This plan was reviewed at the December 1997 Planning Board meeting and referred to the Zoning Board of Appeals for their review and determination. The Zoning Board of Appeals, at their 9 March 1998 regular meeting, determined that no additional variances are required for this application. As such, from a zoning bulk requirement compliance standpoint, I believe no further reviews are necessary.
2. The most significant change since this plan was previously submitted is the elimination of the driveway curb cut to Temple Hill Road (Route 300). Since this driveway has been eliminated, no referral to the NYSDOT is mandatory, and NYSDOT is no longer an involved agency in the SEQRA review process.
3. Also with regard to the traffic issue, the Board should note that ingress and egress will be solely from the Little Britain Road curb cut. Regarding egress, for those persons desiring departure in a westerly direction on Route 300, it is my understanding that the NYSDOT will be eliminating the restriction for right turn movements from the signalized intersection of Little Britain Road and Temple Hill Road. This will provide more convenient egress movements from this site to the west.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

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PROJECT NUMBER: 97-44
DATE: 25 MARCH 1998

4. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
5. The Planning Board should determine, for the record, if a **Public Hearing** will be necessary for his **Site Plan**, per its discretionary judgement under Paragraph 48-19.C of the Town Zoning Local Law.
6. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
7. At this time, the Applicant has responded to all previous Technical Review Comments and requests at the Technical Work Session.
8. The Planning Board should require that a **bond** estimate be submitted for this **Site Plan** in accordance with Paragraph A(1)(g) of Chapter 19 of the Town Code.
9. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJEmk

A:FLANNER2.mk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/31/98

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 97-44

NAME: FLANNERY ANIMAL HOSPITAL, P.C. - NEW FACILITY
APPLICANT: FUCCIO, FRANK & KRYGER, MICHAEL DVM

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	12/05/97	EAF SUBMITTED	12/05/97	WITH APPLICATION
ORIG	12/05/97	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	12/05/97	LEAD AGENCY DECLARED	03/25/98	TOOK LEAD AGENCY
ORIG	12/05/97	DECLARATION (POS/NEG)	03/25/98	DECL. NEG DEC
ORIG	12/05/97	PUBLIC HEARING	03/25/98	WAIVE P.H.
ORIG	12/05/97	AGRICULTURAL NOTICES	/ /	



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MARK J. EDSALL, P.E.

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(717) 296-2765

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF New Windsor P/B # 97-44
WORK SESSION DATE: 18 MAR 98 APPLICANT RESUB.
REAPPEARANCE AT W/S REQUESTED: No REQUIRED: new plan
PROJECT NAME: Flannery
PROJECT STATUS: NEW OLD X
REPRESENTATIVE PRESENT: G. R.
MUNIC REPS PRESENT: BLDG INSP.
FIRE INSP. X
ENGINEER X
PLANNER
P/B CHMN.
OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- remove 2nd sign
- Andy confirm 25A action
- DOT intends to remove "no right turn" sign
- based on a "determination of 25A @ int. of no additional variances are required for this application.
- 4A req dec waive P/H, cost est.
- move approval box
- Agenda for 3/25

4MJ91 pbwsform

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#2 ZBA 3-9-98
APPROVED

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 97-44

DATE: 19 JAN 98

APPLICANT: FRANK PUCCIO DVM
MICHAEL KRYGER DVM

1208 ROUTE 300

NEWBURGH NY. 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3 DEC 1997

FOR (~~SUBDIVISION~~ - SITE PLAN) _____

LOCATED AT EAST SIDE TEMPLE HILL RD.

AT LITTLE BRITAIN RD ZONE R-4

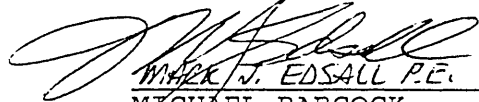
DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 11.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS: _____

PROPOSED ANIMAL HOSPITAL IS NOT USE PERMITTED

IN ZONE — USE VARIANCE PREVIOUSLY GRANTED

FOR DLI USE. APPROVAL REQUIRED FOR PROPOSED
USE.



MARK J. EDSALL P.E. FOR
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>R-4</u> USE _____		
MIN. LOT AREA _____	_____	_____
MIN. LOT WIDTH _____	_____	_____
REQ'D FRONT YD _____	_____	_____
REQ'D SIDE YD. _____	_____	_____
REQ'D TOTAL SIDE YD. _____	_____	_____
REQ'D REAR YD. _____	_____	_____
REQ'D FRONTAGE _____	_____	_____
MAX. BLDG. HT. _____	_____	_____
FLOOR AREA RATIO _____	_____	_____
MIN. LIVABLE AREA _____	_____	_____
DEV. COVERAGE _____ %	_____ %	_____ %
O/S PARKING SPACES _____	_____	_____

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: FLANNERY ANIMAL HOSPITAL SITE PLAN
PROJECT LOCATION: TEMPLE HILL ROAD (ROUTE 300) AND
LITTLE BRITAIN ROAD (ROUTE 207)
SECTION 4-BLOCK 1-LOT 11.2
PROJECT NUMBER: 97-44
DATE: 10 DECEMBER 1997
DESCRIPTION: THE APPLICATION PROPOSES A CHANGE IN USE FROM
THE EXISTING OLI USE TO AN ANIMAL HOSPITAL AND
OFFICE. THE PLAN WAS REVIEWED ON A CONCEPT
BASIS ONLY.

1. The property is located within the R-4 Zoning District of the Town. The current OLI use is not a permitted use in the zone and, as well, the proposed animal hospital is not a permitted use in the zone.

Commercial dog or veterinary kennels are permitted in the Neighborhood Commercial (NC) Zoning District and those bulk requirements have been provided on the plan. As well, the "provided" values are indicated and the necessary area variances for this use are indicated. At minimum, a referral to the Zoning Board of Appeals is necessary for the area type variances.

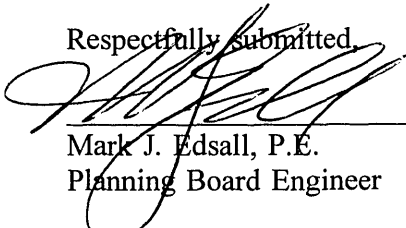
2. In addition to the above, the use issue must be evaluated. The Planning Board should consider whether the existing use should be classified as a non-conforming use in accordance with Article VI, Section 48-24 of the Town Zoning Code. If the use is so classified, under Section 48-24(D)(1)(a), the Planning Board can permit change from one non-conforming use to another non-conforming use, as long as, in the opinion of the Planning Board, the new use is "of the same or a more restricted nature". If the Planning Board determines that the existing use is not a non-conforming use, it would appear that a use variance would be required. The Planning Board also has the option of referring this question to the Zoning Board of Appeals for an interpretation and/or variance, as necessary.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS
PAGE 2**

REVIEW NAME: FLANNERY ANIMAL HOSPITAL SITE PLAN
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SECTION 4-BLOCK 1-LOT 11.2
PROJECT NUMBER: 97-44
DATE: 10 DECEMBER 1997

3. Once the Applicant returns from the Zoning Board of Appeals with any necessary variances, I will perform a detailed review of the plan and, as well, the Board should begin the SEQRA process (coordinated with NYSDOT).

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk

A:FLANNER.mk



TOWN OF NEW WINDSOR

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NEW WINDSOR, NEW YORK 12553
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Fax: (914) 563-4693

NEW WINDSOR PLANNING BOARD MEETING
TOWN HALL
WEDNESDAY, DECEMBER 10, 1997 - 7:30 P.M.

TENTATIVE AGENDA

CALL TO ORDER → ROLL CALL → APPROVAL OF MINUTES DATED: 10/8/97 & 10/22/97

ANNUAL MOBILE HOME PARK REVIEW:

- a. SILVER STREAM MOBILE HOME PARK - RT. 207 (CLARK)

PUBLIC HEARING:

1. SHANNON ACRES SUBDIVISION - (97-11) DEAN HILL & MT. AIRY ROADS

POSSIBLE Z.B.A. REFERRALS:

2. Mans, Clarence - Vails Gate Annex Amended Site Plan (95-35) (Cuomo)
3. Flannery Animal Hospital Site Plan (97-44) Rt. 300 (Shaw)

REGULAR ITEMS:

4. Jagger Subdivision (92-5) Union Avenue (Kartiganer) — MYRA SEND MAP TO HIGHWAY
5. Mobil Oil Site Plan (97-25) Rt. 32 & Rt. 94 (Tyree Engineering)
6. Blooming Grove Operating Subdivision - PHASE II (97-40) Toleman Rd (Zimmerman)
7. Blooming Grove Operating Subdivision - PHASE III (97-41) Toleman Road (Zimmerman)
8. Windsor Crest Amended Site Plan (97-45) Rt. 32 (Shaw)

PRESUBMISSION:

9. Destina Theaters Amended Site Plan - Squire Plaza (Kartiganer)

CORRESPONDENCE:

10. C & R ENTERPRISES SUB - REQUEST FOR REAPPROVAL (90-31)

DISCUSSION:

11. "Mommy & Me" classes at site on corner of Rt. 32 & Union Ave. (Engineer)

ADJOURNMENT

(NEXT MEETING - JANUARY 14, 1998)

DISCUSSION - SMITH, J & H/FLANNERY

MR. NUGENT: I'd like to digress for a minute and go back to number 2 because I don't exactly know where to go with this, we're giving an interpretation of a prior variance that--

MR. KRIEGER: Whether or not, yes, this use, the problem as I understand it I haven't seen it, as I understand it, the prior variance says something about office, variance for office, whether this use that they propose to put it to falls under the terms of that variance, if it doesn't, then they have to get a use variance for this particular use cause the old variance is of no, it's immaterial, doesn't matter whether there was a variance or not, it's history.

MR. NUGENT: Well, I guess what I have difficulty with is why the town board opted to change the lot across the street which we had so much controversy over and not include this one in any kind of a change.

MR. KRIEGER: Why they opted to change, you mean the famous PO triangle? I'm dissatisfied with the zoning board and I'm going to put up a sign and embarrass the heck out of them, that one, yes, okay.

MR. BABCOCK: Jim, I think on my recommendation they wrote a letter to George Meyers requesting a zone change to OLI, the Flannerys did, George always sends a copy of everything and wants to talk to me about it and--

MR. NUGENT: Who's they?

MR. BABCOCK: J & H Smith.

MR. NUGENT: Smith brothers, okay, go ahead.

MR. BABCOCK: So in a meeting with them, I suggested that they should try to obtain a variance the way it is now rather than from OLI, because I think if they walked in and this is my feeling, if they walked into the zoning board and said we need a variance, a use variance then from this OLI that we just had changed

yesterday to OLI which would be their difficulty, they asked to be changed to the zone now they are asking for relief from the zone. So I said if they keep it as R-4, in my mind, they have a better shot and that is why they stopped and decided to come in.

MS. BARNHART: They went through all the formalities, they filed the application fee and everything else, that was in August.

MR. TORLEY: But you're right, if they didn't change it to a zone that was compatible with this, that is, you're right, you can't get--

MR. BABCOCK: You're going to say wait a minute, you asked to be changed to OLI two weeks ago, now you want a variance from it. so I thought it would be best if they came in the way it is.

MR. TORLEY: It's NC that would be a veterinary hospital?

MR. BABCOCK: Well, we don't have anything that says veterinary hospital, okay.

MR. TORLEY: Veterinarian's office?

MS. BARNHART: It's not in our zoning presently.

MR. BABCOCK: This is more of a kennel, if you look in the back, it says subject to 4821E, if you look in there it tells you how long the runs have to be, how far away from the property line the runs have to be, this is a regular kennel and this is allowed in a, I think it's allowed in an R-1 zone, but you need 20 acres.

MR. TORLEY: They are talking not as kennel but a hospital?

MR. BABCOCK: Has correct.

MR. TORLEY: There's a big difference between a veterinary hospital, this is major league for the size of it.

MR. NUGENT: Which is not mentioned in our code at all period.

MR. BABCOCK: Not at all, period.

MR. TORLEY: The closest equivalent would be what would be the requirements if this were, this may sound silly, if this was a hospital or nursing home.

MR. BABCOCK: It's the same thing now the criteria for the parking when they called me to ask what to use for parking, I told them to use medical and dental clinics because the dog doesn't get there by himself. So whether you're taking, you're going to the doctor or you're going to the dentist, the criteria for parking would be the same. So quite honestly, you know, it could fall under a medical, you know, nobody says a medical office, whether it's for dogs or people.

MR. TORLEY: Would a medical office be permitted in the zone where it is now?

MR. BABCOCK: No.

MR. TORLEY: R-4 does not allow medical offices?

MR. BABCOCK: No.

MR. NUGENT: Where is medical?

MR. BABCOCK: NC and C.

MR. TORLEY: If this is functioning as sort of a C type facility or OLI?

MS. BARNHART: It's OLI.

MR. BABCOCK: Yeah, it could be OLI, it could be PI, planned industrial.

MR. TORLEY: And medical facility would be permitted in OLI?

MR. BABCOCK: I don't even know.

MR. TORLEY: I think you see the reason I'm trying--

MR. NUGENT: Larry's trying to get at the same thing we're trying to hang our hat on something to categorize it, right?

MR. TORLEY: Yeah.

MS. BARNHART: That's why you're going to do an interpretation of the prior variance and then if it doesn't work, you're going to the use process.

MR. TORLEY: That is what we're talking about now.

MR. NUGENT: If what we said in our old variance was, and I was here for that, but I don't recall it, I remember passing it, but I don't remember what it said.

MS. BARNHART: It was just a request to construct a building to house office and light industrial use in an R-4 zone.

MR. KRIEGER: Light industrial doesn't help him but--

MR. NUGENT: No, but office does.

MR. KRIEGER: Yes, that is the point how much that helps him gives rise to the question of interpretation.

MR. TORLEY: Move we go off the record for discussion.

MR. BABCOCK: Why don't we do the formal decisions?

MS. BARNHART: If you want, I can send you a copy of the prior variance, I gave it, Jim called, asked for it, I went downstairs, dug it out and I gave him the copy, I didn't realize that.

MR. TORLEY: Thank you, I'd appreciate that.

MS. BARNHART: I can send that over to you with the next pile of minutes and you'll have it before the next meeting, okay?

SMITH, J & H LIGHT/FLANNERY ANIMAL HOSPITAL, P.C.

MR. NUGENT: Referred by planning board for interpretation of a prior variance or approvals needed to operate animal hospital in R-4 zone on east side Temple Hill Road at Rt. 207.

James Loeb, Esq. and Gregory Shaw appeared before the board for this proposal.

MR. LOEB: Good evening, ladies and gentlemen, my name is James Loeb, I'm appearing this evening on behalf of the applicant. I'd like the record to indicate that I'm accompanied by Dr. Michael Kryger, who with his partner, hope to buy this and develop an animal hospital.

MR. KRIEGER: That's K-R-Y-G-E-R, him, no relation.

MR. LOEB: My friends, Joseph and Michael Smith, who own the property and by Greg Shaw who is the engineer for the property. I'm sure you all know this, it's quite close to where we are. It's an existing structure which received a use variance in 1982 from this board. This property is zoned residential. The board in 1982 determined that it would be an unnecessary hardship on the property owner if it had to be developed as residential because no reasonable return could be secured for residential development. You received a report from John Dwyer, who provided you with dollars and cents in real estate background for that, John is updating his report from 1982 to date and I will have that for you as well. It's an unusual situation where property receives a variance and then years later, the owner comes back and says I'd like to now I have to now sell it and the new proposed purchaser develops another use which is also not permitted. And this is a somewhat unique situation if you know J & H Smith, you know that they were defense contractors and if you know what's happened in the world, peace has broken out and the number of defense contractors of their size has been cut back something like 80 percent. So this site is no longer appropriate or needed for the development of those devices for the

Navy. I will tell you bluntly my security clearance expired when I left a long time ago, I haven't asked and don't want to know but it's no longer appropriate for manufacturing. It's no longer needed for it and frankly, no one has shown much of an interest in it until the two doctors came. And what we're going to ask, we went to the planning board and the planning board as you know referred it here because we do need relief and what we're going to ask for is something akin to a use variance changing from one use which is not permitted to another use which is not permitted. I have provided Andy Krieger with a memorandum and some law on this. I believe that the law in New York is pretty clear, that once a determination is made by a Zoning Board of Appeals, that an unnecessary hardship is visited on a property, that is in the words of the law *res judicata*, which means it's something determined and it binds us all for the future. But I don't think that is enough and that is why I have asked John Dwyer to update his report and to be prepared to show you that the situation in 1982 which supported the grant of a variance is probably even worse today for residential development because of the other activities in this part of New Windsor and Stewart International Airport. And that is what we hope to show you. Greg is here if you have questions on the site plan and what we're asking is to be set down for a hearing as soon as possible.

MR. REIS: Are you changing the physical structure in any way?

MR. LOEB: The only change and we're debating it depending on whether this will upset everybody is this 8 x 12 new entranceway which shows there, and I can tell you that if that is a problem, it will disappear from the plan. It does not create a setback problem. We have plenty of setback for front yard. This is a corner property, so assuming that both of the areas, the sides of the building that front on road should be deemed as front yards, we still have plenty of setback. But if that is a concern, Dr. Kryger said everybody can come in and take their rubbers off inside as opposed to outside.

MR. REIS: The existing parking spaces, Jim and Greg, is adequate?

MR. SHAW: Yes, what physically right now, there is this curbed parking area which is adjacent to Little Britain Road, that is going to be restriped and going to be generating us 24 spaces. In addition to that, this is an existing paved area, we're going to be adding this piece of pavement creating another ten spaces, okay, so we're going to have more than what's required by zoning and certainly sufficient enough for the doctors' present and future use.

MR. NUGENT: Are there any additional zoning requirements, I see you have got a little zoning thing on the side here?

MR. TORLEY: Developmental coverage but again if it is changing the building footprint.

MR. LOEB: Right, my co-attorney here put those down without talking to me cause I think that those were all covered when the variance was granted in '82. As long as we don't enlarge it and that is why I would remove that little entryway if that caused you problems, but it's the existing building, we don't fortunately have to make any changes to it at all.

MR. TORLEY: Mike, in a residential zone, I thought veterinarian's office was permitted if he lived in it and it's permitted?

MR. BABCOCK: No more. That was changed.

MR. NUGENT: What zone does a veterinarian's office go in?

MR. BABCOCK: I think NC.

MR. SHAW: B-9, NC, B-9.

MR. BABCOCK: Right, NC zone, right.

MR. TORLEY: That is commercial kennel, which is they are calling veterinary hospitals the same thing as a

kennel.

MR. BABCOCK: Well, that is what B-9 says.

MR. TORLEY: That is what the gentleman has indicated B-9, commercial veterinary kennel.

MR. LOEB: I should hasten to add that we distinguish it from a kennel because there will be absolutely nothing outside, this is purely and simply, and I don't mean simply a hospital, a veterinary hospital, it's not easy to identify where it comes in in New Windsor.

MR. SHAW: Commercial right behind you.

MS. BARNHART: These are the new ones, so they are not official yet.

MR. SHAW: I thought I was one step ahead of the game.

MR. BABCOCK: NC.

MR. TORLEY: Now, the triangular lot that we're all familiar with across the road was rezoned to PO, correct?

MR. BABCOCK: That's correct.

MR. TORLEY: So you have got commercial here, PO, and this side is residential by zoning, although it's hardly residential much anymore.

MR. BABCOCK: That's correct. The problem with the zone change, Larry, is that he needs an NC zoning to do that and the town board has basically said they don't want to spot zone, if he was allowed in an OLI zone, they'd bring the OLI zone all the way across without a problem.

MR. TORLEY: Even there you need a use variance.

MR. BABCOCK: That's correct, so why change the zone then come for a use variance.

MR. TORLEY: I certainly have no problem.

MR. NUGENT: I don't have any problem with the idea, I think it's a great idea for the building.

MR. TORLEY: You'll be prepared as you said to update the--

MR. LOEB: Yes, I have a draft with me, but it's still a working draft.

MR. KRIEGER: Do you have any questions for me since Mr. Loeb and I have been in contact before this and as he's indicated?

MR. TORLEY: Please inform us of any information you have that might be useful.

MR. KRIEGER: Oh, okay, there are going to ultimately be two questions before the board, the first question is whether or not this falls under the terms of the variance granted in 1982. So, it's not an interpretation of the law as much as it is an interpretation of the prior variance. And I understand from Jim that he will supply copies of the prior decision. Now, in the event that the zoning board determines that it does not fall under those terms, then it would be a use variance application and once again, I have discussed with Jim the difficulty in the criteria and so forth for a use variance and he believes that they are going to be able to meet that and so I just wanted to make that clear, it's a twofold, it's a little different than an interpretation of the statute and use variance application with which you are more familiar. This is an interpretation of a prior variance but the mechanics are similar.

MR. TORLEY: In the initial variance, the use variance for the purpose that it has, the lighting company, to what zone would that have been compatible?

MR. KRIEGER: At the time?

MR. TORLEY: Yeah, and again, for the attorney at that time, would a veterinary hospital have been compatible in the same kind of zone?

MR. KRIEGER: The answer is it wasn't, as normally with the use variance, it's not that it is changed to a particular zone and it carries with it as baggage all the other permitted uses in that zone. That use is permitted, and the exception is more narrowly constructed than simply rezoning, rezoning would carry with it the baggage of all the permitted uses in that new rezoning.

MR. TORLEY: But we have also in the past considered where someone has an important use variance typically it's been from commercial to residential and so we have sort of assumed Mike has made the proper case I think we have to sort of figure out what we then assume it's a residential zone for other purpose as far as setbacks, et cetera. So if I would like to know before the meeting or at the meeting if with the original use variance that was granted would that zone or pseudo zone we created for the building, would that have been compatible with the veterinary hospital at that time?

MR. KRIEGER: The question doesn't carry with it the baggage of the prior zone, however, it is a valid question in terms of it's compatibility with the neighborhood. As I say, 1982 the variance was granted and this use, this type of a use obviously was determined to be compatible with the neighborhood which is one of the criteria, and you would then have to look at the other things, you know, what's compatible with the neighborhood mean, what kinds of things would be the neighborhood.

MR. TORLEY: I think you see why I would like to know bearing in mind the interpretation that you are asking.

MR. LOEB: I will tell you that I understand, I have a copy of the zoning variance here, I will fax it to you so you have it.

MR. TORLEY: I do not need it before the meeting, something I'd like to know at the meeting.

MR. KRIEGER: It should recite in the variance what zone it was in.

MR. LOEB: It does not tell you what zone it purports to put the property in and I don't think that that is the role of the board.

MR. TORLEY: What I really need to know is the use that you, the use variance that you received set up for a manufacturing facility in the, I'm trying to put myself back in the mind of the board back then, saying well, would a manufacturing facility, would it have made the same bulk zoning requirements as a veterinary hospital so the two would have been compatible in theory at that time.

MR. LOEB: I can tell you the decision is totally silent on that.

MR. REIS: It appears that this applied use that you are trying to create is going to be less of an impact on the environment and on the community than an industrial plant you guys had over there.

MR. KRIEGER: Another one of the criteria, and certainly that would be part of their presentation and that has to be their argument.

MR. NUGENT: Well, certainly one of the things we're going to get a lot of flack on is the, which Mr. Loeb already mentioned, there's nothing outside the building, nothing is done outside the building, no dogs barking.

MR. KRIEGER: I have already spoken to Mr. Loeb at some length about what I expected would be the concern of the members of the board about noise, odor and waste disposal, sewage.

MR. NUGENT: That is going to be a problem with the neighbors.

MR. KRIEGER: I think he is going to be prepared to address those criteria.

MR. TORLEY: This does have water and sewer, right?

MR. BABCOCK: Yes.

MR. TORLEY: Any sewage problems per se would be under the Planning Board's purview?

MR. BABCOCK: That's correct.

MR. TORLEY: Mr. Chairman, entertain a motion?

MR. NUGENT: Yes.

MR. TORLEY: I move we set up Smith J & H Lighting Flannery Animal Hospital for a public hearing on requested interpretation and/or use variance request.

MR. REIS: Second it.

ROLL CALL

MS. OWEN	AYE
MR. REIS	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARNHART: Why don't you think about a sign, if you want to put that in the application, just in case if you are going to be larger than what's required.

MR. BABCOCK: They are going to comply.

MR. KRIEGER: Also, let me remind you that because it's a use variance, I'm sure that Mr. Loeb doesn't need any reminding but the board is going to have to go through SEQRA, it is the custom of this board I suggest that it be an uncoordinated review, that the zoning board do which means the zoning board does its own SEQRA thing and the planning board does theirs.

MR. LOEB: Okay.

MR. TORLEY: Probably just a short form, right?

MR. KRIEGER: He certainly needs to submit a short form, then you need to consider on the record whether the short form is adequate and whether there are any

other questions that you need further addressed. And at the time of the meeting, I will review with you the SEQRA procedures and what you have to do and so forth and the sewage question, by the way, comes into play there, it's one of the environmental criteria. It also of course comes into play when you're dealing with the compatibility of the neighborhood, so you are not going to deal with it in the same way that the planning board is going to deal with it, but certainly the ZBA has to be satisfied that there is adequate as I say sewage.

MR. NUGENT: They do have town sewer and water, right?

MR. LOEB: Yes, they do.

MR. TORLEY: I'd like the, at first blush, I like the presentation, I'm sorry to see the industrial base go, but we do need the animal hospital as well.

MR. REIS: Jim, are you, who are you representing?

MR. LOEB: I'm representing the applicant, the doctors.

MR. TORLEY: Do we have proxies and all that?

MR. LOEB: We have no problem I don't think getting one from me.

MR. TORLEY: They are not the owners of record.

MR. LOEB: No, but we got a proxy from the owners, absolutely, no question, yes, we have already started that with the planning board, yes.

MR. NUGENT: Okay.

MR. LOEB: Thank you very much.

ZONING BOARD OF APPEALS
Regular Session
January 26, 1998

JURY TRIALS MAY PRE-EMPT OUR USE OF THE COURTROOM.
IN THIS CASE WE WILL MEET IN THE ATTORNEY'S OFFICE AGAIN.

REVISED AGENDA:

7:30 p.m.- Roll Call

Motion to accept minutes of the 1/12/98 meeting as written.

(APPROVED)

PRELIMINARY MEETING:

SET UP
OR P/H 1. **MIELE, EDWARD** - Request for 10.65 ft. lot width variance for lot #2 in minor subdivision located on Riley Road in an R-3 zone. (67-4-4).

SET UP
OR P/H 2. **SMITH, J & H LIGHT/FLANNERY ANIMAL HOSPITAL, P.C.**-Referred by P.B. for interpretation of a prior variance or approvals needed to operate animal hospital in R-4 zone on e/s Temple Hill Road at Rt. 207. Present: James R. Loeb, Esq. (4-1-11.2).

PUBLIC HEARING:

APPROVED 3. **VANDER MAAS, BRIAN** - Request for 8 ft. rear yard variance for existing deck at 12 Truex Drive in an R-4 zone. (70-1-15.3).

ELECTION OF OFFICERS: Chairman, V. Chairman, etc. (Postponed from 1/12/98 meeting)

FORMAL DECISIONS: (1) MOBIL OIL (2) TOYOTA OF NEWBURGH, INC.
(3) YONNONE (4) JACZKO
(5) PASSARO

Pat - 563-4630 (o)
562-7107 (h)

(APPROVED)

#1 ZBA 1-26-98
SET UP FOR P/H

OFFICE OF THE PLANNING BOARD - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF SITE PLAN OR SUBDIVISION APPLICATION

PLANNING BOARD FILE NUMBER: 97-44

DATE: 19 JAN 98

APPLICANT: FRANK PUCCIO DVM
MICHAEL KRYGER DVM

1208 ROUTE 300

NEWBURGH NY. 12550

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED 3 DEC 1997

FOR (~~SUBDIVISION~~) - SITE PLAN) _____

LOCATED AT EAST SIDE TEMPLE HILL RD.

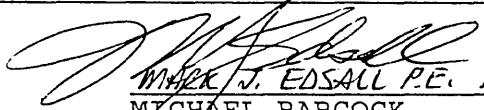
AT LITTLE BRITAIN RD

ZONE R-4

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 11.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

PROPOSED ANIMAL HOSPITAL IS NOT USE PERMITTED
IN ZONE - USE VARIANCE PREVIOUSLY GRANTED
FOR DLI USE. APPROVAL REQUIRED FOR PROPOSED
USE.


MARK J. EDSALL P.E. FOR
MICHAEL BABCOCK,
BUILDING INSPECTOR

<u>REQUIREMENTS</u>	<u>PROPOSED OR</u> <u>AVAILABLE</u>	<u>VARIANCE</u> <u>REQUEST</u>
ZONE <u>R-4</u> USE _____		
MIN. LOT AREA _____	_____	_____
MIN. LOT WIDTH _____	_____	_____
REQ'D FRONT YD _____	_____	_____
REQ'D SIDE YD. _____	_____	_____
REQ'D TOTAL SIDE YD. _____	_____	_____
REQ'D REAR YD. _____	_____	_____
REQ'D FRONTAGE _____	_____	_____
MAX. BLDG. HT. _____	_____	_____
FLOOR AREA RATIO _____	_____	_____
MIN. LIVABLE AREA _____	_____	_____
DEV. COVERAGE _____ %	_____ %	_____ %
O/S PARKING SPACES _____	_____	_____

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-563-4630) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

FLANNERY ANIMAL HOSPITAL SITE PLAN (97-44) ROUTE 300

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: You're here for a possible ZBA referral?

MR. SHAW: With the inclement weather tonight, I will be very brief. I'm sure all of you are familiar with the parcel that is at the foot of Union Avenue, it's the site of the J & H Smith Lighting Corporation, it is in an R-4 zone and it's approximately 3.1 acres. What we're proposing to do is convert the use of that property into a veterinary animal hospital, Flannery Animal Hospital, which is on Union Avenue, Town of Newburgh is looking to purchase this parcel and relocate his business into the facility. I may add there will be no outside kennels, no outside display of animals whatsoever, everything will be internal.

MR. LANDER: So there will be no outside noise?

MR. SHAW: Correct. What we're proposing with respect to physical site improvements is the creation of a parking area, this shaded area will represent new macadam pavement which will be installed, a new sidewalk where the entry will be facing Little Britain Road and a new drive which will enter out onto Route 300 Temple Hill Road opposite Wembly Road, that will require permit from the New York State DOT as that is a state highway. We're here tonight for this board for for a rejection to the Zoning Board of Appeals where at a minimum we're going to need an interpretation and maybe we'll be needing an area variance and a use variance but that again is a subject that will be discussed with the Zoning Board of Appeals and Mr. Krieger who is also their attorney.

MR. PETRO: Greg, the sidewalk that you are putting on that is existing parking there, correct?

MR. SHAW: Correct.

MR. PETRO: Will that affect the parking, you put a five or six foot sidewalk there?

MR. SHAW: Yes, what happens there is enough width right now between the curbing in order to get a row of parking which is 19 feet deep, 25 foot aisle, another row of parking 19 feet deep and a 6 foot sidewalk.

MR. PETRO: Also, it's going to be going to DOT for the other curb cut you mentioned, is that correct?

MR. SHAW: Correct.

MR. LANDER: Mr. Shaw, one question why do we need the drive emptying out across from Wembly Road? Do we need this new drive?

MR. SHAW: People who utilize the facility if they want to go west on 207 passed Stewart Airport, they are not able to access that. The present entry or exit from the site is onto Little Britain Road and it's left-hand turn only.

MR. LANDER: Couldn't they make a right and then a left?

MR. SHAW: Well, now it gets a little tricky making a hairpin turn, there's a vertical differential from Little Britain Road to 207.

MR. LANDER: Right, my question is there is enough congestion down there already as it stands right now, the traffic there is horrendous between Wembly Road, Union Avenue, the light's right there, what's the distance between the light and that drive, any idea?

MR. SHAW: It's 30 scale, that is maybe what, 20 inches, 18 inches for sure, 30 feet, 500 feet.

MR. LUCAS: And you discussed that you would only make a right-hand turn out of that?

MR. SHAW: That is really the purview of the DOT, they may look at this and say fine, we have no problem with the entrance, we'll let you have a left in right in and right out and no left turn out. They may very well do that. But again, that is their purview and to sit down

with Don Greene and talk to him.

MR. LANDER: Well now, Mr. Shaw, it is also ours, that I know you're emptying out onto a state road but seeing as we have to approve this, I think it would be safer if there was only a right turn only left turn in, you can turn into there but only right turn out, I think we can work that out.

MR. PETRO: I think you're going to get people driving down the long driveway unless you put some signage up by the parking lot.

MR. EDSALL: The danger of turning left which will be when it's congested if you have to pull out between cars and you can get broadsided with somebody going southbound.

MR. LANDER: You have cars stacking up from that light back to the other light at Sloan's furniture, you have people making rights off Union Avenue, now you have stacking, people are trying to make a left across, it's a mad house down there.

MR. EDSALL: I don't know, Ron, I don't know that we can impose the restriction because it's a curb cut to the state highway, but I think if the board voted to recommend to DOT that that is how you'd like to see it, that would probably--

MR. LUCAS: I agree with that, I'd like to see it right in and right out, right?

MR. SHAW: And a left in.

MR. EDSALL: Entry I don't think is a problem.

MR. ARGENIO: Ron, regarding the left in, I'm going to tell you Duggan's office, people going towards Union Avenue on Temple Hill Road tend to stack on the yellow, on the double yellow line to make a left into Duggan's office so the left coming into this driveway in the opposite direction is also not an easy thing.

MR. LANDER: Right, that is what we want to avoid,

there is enough congestion.

MR. ARGENIO: I don't want to add fuel to the fire, but there should be a suicide lane in the middle of the road.

MR. LANDER: That road coming out there cause it's treacherous.

MR. SHAW: I'm not disagreeing with you.

MR. LUCAS: Can we ask as a board.

MR. PETRO: We're making a recommendation.

MR. KRIEGER: Bearing in mind if it's referred to the Zoning Board of Appeals, nothing happens until after he goes through that process.

MR. SHAW: I will be back before this board hopefully about two months, six to eight weeks, what's your opinion, because I may be approaching the DOT before they get your written recommendation.

MR. EDSALL: I will send something over to Don Greene.

MR. LANDER: You know exactly what we're trying to avoid.

MR. EDSALL: I will have him look at both movements, the left turn in and left turn out and at minimum, you're concerned about the left turn out.

MR. LANDER: Left turn out but the left turn in is bad.

MR. EDSALL: As well you're concerned about the other one.

MR. PETRO: Mark, something else you wanted to mention about this?

MR. EDSALL: Yeah, just for the record, comment number 2 on here effectively can be disregarded because we have some new information at the workshop and at a short meeting we had after the workshop we requested

that Mr. Loeb make some investigations, Jim Loeb being the attorney for the applicant, to determine some case law on how this application should be treated. He in turn has found such case law and he's also gone over that with Andy Krieger so these alternatives that is listed in 2 are somewhat superseded by the new information that Jim was able to find so I am sure that the ZBA will take care of it.

MR. SHAW: That is my understanding also, Mark.

MR. EDSALL: Jim called me tonight to make sure he passed that on, he apologized, he said he had seniority and did not feel that he can make it here, it took an hour to get home and being a senior citizen, he said he couldn't make it over. That is exactly what he told me.

MR. LANDER: Mr. Shaw, is this Flannery Animal Hospital number 2 or is this going to be the primary?

MR. SHAW: This will be the facility.

MR. PETRO: Motion to approve.

MR. STENT: Make a motion we approve.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Flannery Animal Hospital site plan on Route 300. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. ARGENIO	NO
MR. STENT	NO
MR. LANDER	NO
MR. LUCAS	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board to receive the necessary

December 1 1997

16

variances, interpretations or whatever you may need.

MR. SHAW: Thank you.

INTER-OFFICE CORRESPONDENCE

To: Town Planning Board

From: Town Fire Inspector

Date: 25 March 1998

Subject: Flannery Animal Hospital

Planning Board Reference Number: PB-97-44

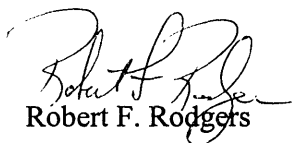
Dated: 23 March 1998

Fire Prevention Reference Number: FPS-98-012

A review of the above referenced subject site plan was conducted on 25 March 1998.

This site plan is acceptable.

Plans Dated: 18 March 1998 Revision 2.



Robert F. Rodgers



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 55 - 142

DATE PLAN RECEIVED: RECEIVED MAR 23 1998

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by _____

_____ for the building or subdivision of
New facility for Flannery Animal Hospital has been
reviewed by me and is approved L

disapproved _____

~~If disapproved, please list reason~~ _____

This Property has town water -
Please notify water dept. if any change
in service -

HIGHWAY SUPERINTENDENT _____ DATE _____

WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., ~~WATER~~, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 97-64

DATE PLAN RECEIVED: RECEIVED DEC 4 1997

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

Flanney Animal hospital _____ has been

reviewed by me and is approved ☒

~~disapproved~~ _____

~~If disapproved, please list reason~~ _____

This property is being fed
by town water - Notify water Dept
on hydrant relocation.

HIGHWAY SUPERINTENDENT _____ DATE _____

Steve Windor 12-10-97
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____

MEMO

To: Town Planning Board

From: Town Fire Inspector

Subject: Flannery Animal Hospital, P.C.

Date: 5 December 1997

Planning Board Reference Number: PB-97-44

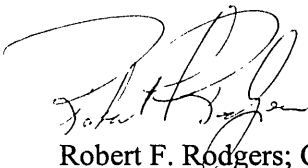
Dated: 4 December 1997

Fire Prevention Reference Number: FPS-97-060

A review of the above referenced subject site plan was conducted on 5 December 1997.

This site plan is acceptable.

Plans Dated: 3 December 1997

A handwritten signature in black ink, appearing to read 'Robert F. Rodgers', is written over a horizontal line.

Robert F. Rodgers; C.C.A.
Fire Inspector

RFR/dh



1765

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, ~~HIGHWAY~~

DEC 4 1997

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 97 - 44

DATE PLAN RECEIVED: RECEIVED DEC 4 1997

The maps and plans for the Site Approval ☒
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ☒
disapproved ☐

If disapproved, please list reason _____

James Sullivan 12/5/97
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

97-4
RECEIVED DEC 4 1997

"XX"

APPLICATION TO: TOWN OF NEW WINDSOR PLANNING BOARD

176 TYPE OF APPLICATION (check appropriate item):

Subdivision____ Lot Line Chg.____ Site Plan X Spec. Permit____

1. Name of Project New Facility For Flannery Animal Hospital, P.C.

Frank A. Puccio, D.V.M.

2. Name of Applicant Michael D. Kryger D.V.M. Phone 564-6760

Address 1208 Route 300, Newburgh, New York 12550
(Street No. & Name) (Post Office) (State) (zip)

3. Owner of Record JSH Smith Light Corp. Phone____

Address Temple Hill Road, New Windsor, New York 12553
(Street No. & Name) (Post Office) (State) (zip)

4. Person Preparing Plan Gregory J. Shaw, P.E.

Address 744 Broadway, Newburgh, New York 12550
(Street No. & Name) (Post Office) (State) (zip)

5. Attorney James R. Loeb, Esq. Phone 565-1100

Address One Corwin Court, Newburgh, New York 12550
(Street No. & Name) (Post Office) (State) (zip)

6. Person to be notified to represent applicant at Planning Board Meeting Gregory J. Shaw, P.E. Phone 561-3695
(Name)

7. Project Location: On the East side of Temple Hill Road
(street)
0 feet South of Little Britain Road
(direction) (street)

8. Project Data: Acreage of Parcel 3.08 Zone R-4,
School Dist. Newburgh Consolidated

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Y____ N X

If you answer "yes" to question 9, please complete the attached Agricultural Data Statement.

10. Tax Map Designation: Section 4 Block 1 Lot 11.2

11. General Description of Project: Conversion of property from
office and light industry to office and an animal hospital

12. Has the Zoning Board of Appeals granted any variances for
this property? yes X no.

13. Has a Special Permit previously been granted for this
property? yes X no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the
property owner, a separate notarized statement from the owner
must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and
states that the information, statements and representations
contained in this application and supporting documents and
drawings are true and accurate to the best of his/her knowledge
and/or belief. The applicant further acknowledges responsibility
to the Town for all fees and costs associated with the review of
this application.

Sworn before me this

3rd day of December 1997

Michael Kuyper
Applicant's Signature

Patricia A. Barnhart
Notary Public

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1999

TOWN USE ONLY:

RECEIVED DEC 4 1997

Date Application Received

97 - 44
Application Number

RECEIVED DEC 4 1997

"XX"

APPLICANT'S PROXY STATEMENT
(for professional representation)for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARDFrank A. Puccio, deposes and says that he
(Applicant)resides at 253 Tompkins Road, Montgomery, N.Y. 12549
(Applicant's Address)in the County of Orangeand State of New Yorkand that he is the applicant for the New Facility For Flannery
Animal Hospital, P.C.

(Project Name and Description)

which is the premises described in the foregoing application and
that he has authorized Gregory J. Shaw, P.E. and James R. Loeb, Esq.
(Professional Representative)

to make the foregoing application as described therein.

Date: December 3, 1997*Michael J. Shaw*
(Owner's Signature)
Patricia E. Barlett
(Witness' Signature)THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

97 - 44
RECEIVED DEC 4 1997
"XX"

OWNER'S
~~APPLICANT'S~~ PROXY STATEMENT
(for professional representation)

for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

J S H Smith Light Corp. _____, it
deposes and says that ~~he~~
(Applicant) (Owner)
conducts business at _____
~~resides at~~ _____ Temple Hill Road, New Windsor, N.Y. 12553
(Applicant's Address)
in the County of _____ Orange
and State of _____ New York
it owner of
and that ~~he~~ is the ~~applicant for~~ the _____ property in the application
"New Facility For Flannery Animal Hospital, P.C."
(Project Name and Description)

which is the premises described in the foregoing application and
that he has authorized _____ Gregory J. Shaw, P.E. and James R. Loeb, Esq.
(Professional Representative)

to make the foregoing application as described therein.

Date: 12 2/97

Michael A. Smith
(Owner's Signature)

Richard T. Loeb
(Witness' Signature)

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

RECEIVED DEC 4 1997

If applicable "XX"

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|---|---|
| 1. <u>X</u> Site Plan Title | 29. <u>X</u> Curbing Locations |
| 2. <u>X</u> Applicant's Name(s) | 30. <u>*</u> Curbing Through Section |
| 3. <u>X</u> Applicant's Address(es) | 31. <u> </u> Catch Basin Locations |
| 4. <u>X</u> Site Plan Preparer's Name | 32. <u> </u> Catch Basin Through Section |
| 5. <u>X</u> Site Plan Preparer's Address | 33. <u>X</u> Storm Drainage |
| 6. <u>X</u> Drawing Date | 34. <u>*</u> Refuse Storage |
| 7. <u>X</u> Revision Dates | 35. <u> </u> Other Outdoor Storage |
| 8. <u>X</u> Area Map Inset | 36. <u> </u> Water Supply |
| 9. <u>X</u> Site Designation | 37. <u> </u> Sanitary Disposal System |
| 10. <u> </u> Properties Within 500' of Site | 38. <u> </u> Fire Hydrants |
| 11. <u> </u> Property Owners (Item #10) | 39. <u> </u> Building Locations |
| 12. <u>X</u> Plot Plan | 40. <u> </u> Building Setbacks |
| 13. <u>X</u> Scale (1" = 50' or lesser) | 41. <u> </u> Front Building Elevations |
| 14. <u>X</u> Metes and Bounds | 42. <u>*</u> Divisions of Occupancy |
| 15. <u>X</u> Zoning Designation | 43. <u>*</u> Sign Details |
| 16. <u>X</u> North Arrow | 44. <u>X</u> Bulk Table Inset |
| 17. <u>X</u> Abutting Property Owners | 45. <u>X</u> Property Area (Nearest
100 sq. ft.) |
| 18. <u>X</u> Existing Building Locations | 46. <u>X</u> Building Coverage (sq. ft.) |
| 19. <u>X</u> Existing Paved Areas | 47. <u>X</u> Building Coverage (% of
Total Area) |
| 20. <u>X</u> Existing Vegetation | 48. <u>X</u> Pavement Coverage (sq. ft.) |
| 21. <u>X</u> Existing Access & Egress | 49. <u>X</u> Pavement Coverage (% of
Total Area) |
| <u>PROPOSED IMPROVEMENTS</u> | |
| 22. <u>*</u> Landscaping | 50. <u>X</u> Open Space (sq. ft.) |
| 23. <u>*</u> Exterior Lighting | 51. <u>X</u> Open Space (% of Total Area) |
| 24. <u>*</u> Screening | 52. <u>X</u> No. of Parking Spaces Prop. |
| 25. <u>X</u> Access & Egress | 53. <u>X</u> No. of Parking Spaces Req. |
| 26. <u> </u> Parking Areas | |
| 27. <u> </u> Loading Areas | |
| 28. <u> </u> Paving Details
(Items 25-27) | |

* Denotes To Be Provided At A Later Date

RECEIVED DEC 4 1997

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. _____ Referral to Orange County Planning Dept. required for all applicants filing AD Statement.
55. _____ A Disclosure Statement, in the form set below must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the applicant. the Town of Ne Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with the checklist and the Town of New Windsor Ordinances, to the best of my knowledge

By: _____

Licensed Professional

Date: _____

Dec 3, 1997



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

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45 Quassaick Ave. (Route 9W)
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(914) 562-8640
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Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 1-3

WORK SESSION DATE: 3 DEC 1997 APPLICANT RESUB.
REQUIRED: Full App

REAPPEARANCE AT W/S REQUESTED: Not now

PROJECT NAME: Flannery Animal Hospital

PROJECT STATUS: NEW X OLD

REPRESENTATIVE PRESENT: Greg Shaw, Dr. Jr.

MUNIC REPS PRESENT: BLDG INSP. X
FIRE INSP. X
ENGINEER X
PLANNER
P/B CHMN.
OTHER (Specify) Muli Lucero

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

Change to Smith Lty to Vet Hospital

Smith Lty variance

change one non-conf use to another

pkgs to determine if exist spec in non-conf use

several area variance (relating to use adnc)

pkgs spaces 9x19 (not 18)

no left turns probably @ south drive

send to
25A
for
use
interpretation

4MJ91 pbwsform

PROJECT I.D. NUMBER

617.21

Appendix C

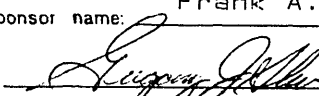
State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

97-44
RECEIVED DEC 4 1997
SEQR

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR Frank A. Puccio Michael D. Kryger	2. PROJECT NAME New Facility For Flannery Animal Hospital
3. PROJECT LOCATION: Municipality Town Of New Windsor County Orange	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Intersection Of Temple Hill Road And Little Britain Road	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Conversion of a building from an office and light industry use to an office and animal hospital use	
7. AMOUNT OF LAND AFFECTED: Initially 3.08 acres Ultimately 3.08 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly A Use Variance will be required.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals Town Of New Windsor Planning Board Site Plan Approval Town Of New Windsor Z.B.A. Use Variance	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: Frank A. Puccio & Michael D. Kryger Date: Dec. 2, 1997	
Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☒ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

No

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

No

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

No

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

No

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

No

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

No

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

No

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☐ No If Yes, explain briefly

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Town Of New Windsor Planning Board

Name of Lead Agency

James Petro

Print or Type Name of Responsible Officer in Lead Agency

Chairman

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

(Signature of Preparer if different from responsible officer)

Date